

REMARKS

Reconsideration of the application is respectfully requested.

Claims 1 and 2 have been amended to recite "isolated from". Support for this amendment can be found on page 6, lines 1-3 of the specification. Claims 3-13 have been withdrawn from consideration. Therefore, claims 1-13 remain pending in this application upon entry of this amendment. No new matter is added by way of these amendments.

Applicants respectfully thank the Examiner for the courtesy call on September 16, 2004 to discuss the remaining issues of the pending claims.

Per request of the Examiner, claims 1 and 2 have been amended to clarify the invention. Specifically, the amended claims include the term "isolated" to indicate that the product is distinguishable over a product of nature. Support for these amendments can be found on page 6, lines 1-3 of the specification. No new matter has been added by way of these amendments.

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Bordoloi et al. Specifically, the Examiner indicates that Bordoloi teaches the 2-methylheptyl isonicitrate produced by Streptomyces 201.

This rejection is respectfully traversed, and reconsideration is respectfully requested.

In the previous response of July 30, 2004, applicants indicated that the Bordoloi et al. reference could be eliminated as prior art upon demonstration that the present invention was conceived and reduced to practice prior to the publication date. Applicants previously submitted a 132 Declaration in accordance with In re Katz. However, the In re Katz Declaration was found to be defective at paragraph 8 for not listing the declarant as an inventor. This error was an inadvertent omission, as the correct listing was included at paragraphs 2 and 6. Applicants herewith submit a revised In re Katz Declaration which has been corrected to reflect the full listing of inventors, including the declarant, at paragraph 8. Therefore, applicants respectfully submit that the reference is not prior art against the present application and request that the rejection be withdrawn.

In view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

By Sandra Lee
Sandra S. Lee

Registration No.: 51,932
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
(212) 753-6237 (Fax)
Attorneys/Agents For Applicant